

REMARKS

In the instant Action, Claims 1-28 are listed as pending and Claims 1-28 are listed as subject to a restriction/election requirement.

In the instant Action, the Examiner has required restriction between the following inventions.

Group I, Claims 1-13, drawn to a compound.

Group II, Claim 14, drawing to a method to decrease excess intestinal water and electrolytes.

Group III, Claims 15-17, drawing to a method of regulating cell proliferation.

Group IV, Claim 18, drawing to a method to augment nutrient transport.

Group V, Claim 19, drawing to a method to regulate lipolysis.

Group VI, Claim 20, drawing to a method to regulate blood flow.

Group VII, Claim 21-23, drawing to a method to facilitate weight loss.

Group VIII, Claim 24-28, drawing to a method of antagonizing the effects of PYY(3-36).

Restriction was required because the Examiner believes that “the compound of group I and the method of weight loss of group VII lacks novelty (i.e., it is anticipated by prior art references) – see, e.g., Batterham, *Nature*, 2002, vol. 418, pp-650-654. Batterham discloses the infusion of PYY(3-36) decreases appetite and reduces food intake 33% over 24 hours.” (See pages 2-3 of the instant Action).

However, it would appear that the Examiner overlooked the fact that the Batterham article only discusses the effects of the *native* PYY(3-36), whereas the claimed compounds of the present application are all modified PYY(3-36) analogs designed to provide improved PYY potency and/or selectivity and/or *in vitro* or *in vivo* characteristics. (See page 5, paragraph [018], of the application). Specifically, all of the claimed analogues of the present application have the novel common structural features as recited in the *proviso* clauses (a), (b) and (c) appended at the end of Claim 1.

As such, Applicant’s election of Group I, represented by Claims 1-13, is *with traverse* to the extent that the Examiner erroneously claims that the claimed compounds of this

application is anticipated by a prior art reference (e.g., the Batterham article) which discusses the effects of the *native* PYY(3-36). Applicant does *not* traverse the restriction requirement as between Group I and Groups II-VIII.

In reply to the Examiner's further requirement that Applicant must elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable, Applicant elects Example 1 compound: [A5C³¹]hPYY(3-36)NH₂, (SEQ ID NO. 3), as Applicant's species within Group I. Claims 1-13 read on this elected compound.

Applicant notes that method claims of Groups II-VIII are subject to rejoinder upon the allowance of product claims of Group I, pursuant to the MPEP §821.04, and requests such rejoinder upon allowance of Group I product claims.

Examiner Telleris invited to telephone Applicant's undersigned at (508) 478-0144 to facilitate prosecution of this application.

Respectfully submitted,



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